

COMMON CARRIER ANNUAL EMPLOYMENT REPORT

[Please read instructions before completing and for Notice regarding public burden.]

SECTION I - General Information

1. Name and Mailing Address of Respondent

RCN Telecom Services, Lehigh LLC.
PA Market - Lehigh
2124 Ave. C. Bethlehem, PA 18017☐ Check here if this
is a change of
address.

2. Year Report Filed

2019

3. Reporting Period (Ending Date of Pay
Period Covered by Report)

3/22/19

4. Number of Full-Time Employees during Selected
Reporting Period (check one):

- a.
- ☐
- Fewer than 16 (complete Sections I, IV, and V only)
-
- b.
- ☒
- 16 or more (complete all sections)

SECTION II - Full-Time Employees.

Job Categories	Number of Employees (Report employees in only one category)															Total Columns A - N
	Race/Ethnicity															
	Hispanic or Latino		Not-Hispanic or Latino													
			Male						Female							
			Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Executive/Senior Level Officials and Managers	1.1				1										1	
First/Mid-Level Officials and Managers	1.2	4		23	5		2			11	1				46	
Professionals	2	1	1	14	1					3	2			1	23	
Technicians	3			31	1		1			7	1				41	
Sales Workers	4	9		23	3				1	5	2			1	44	
Administrative Support Workers	5	3	3	5	4					30	4		1		52	
Craft Workers	6	7	1	46	3				1						58	
Operatives	7														0	
Laborers and Helpers	8														0	
Service Workers	9														0	
TOTAL	10	24	5	142	18	0	3	0	2	56	10	0	1	0	265	
PREVIOUS YEAR TOTAL	11	24	5	147	21	0	3	0	3	55	10	0	0	0	272	

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SECTION III - Part-Time Employees.

Number of Employees
(Report employees in only one category)
Race/Ethnicity

Job Categories	Not-Hispanic or Latino														Total Columns A - N
	Hispanic or Latino		Male							Female					
	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Executive/Senior Level Officials and Managers	1.1														0
First/Mid-Level Officials and Managers	1.2														0
Professionals	2														0
Technicians	3		2												2
Sales Workers	4														0
Administrative Support Workers	5								1						1
Craft Workers	6														0
Operatives	7														0
Laborers and Helpers	8														0
Service Workers	9														0
TOTAL	10	0	0	2	0	0	0	0	1	0	0	0	0	0	3
PREVIOUS YEAR TOTAL	11	0	0	1	0	0	0	0	1	0	0	0	0	0	2

SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

☐ This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.

☒ This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company. (Attach a list indicating parties involved, date filed, courts or agencies before which the matter has been heard, file number or other designation, and current status or disposition.

SECTION V - Certification

I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.

Date **05/31/2019** Signature **Kenneth Conrad**

Telephone No.

(609) 681-2189

Title of Person Signing

Vice President, Human Resources

WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (47 U.S.C. 312 (A)(1) AND/OR FORFEITURE (47 U.S.C. 503).



RCN Telecom Svc, Lehigh LLC
2124 Ave C.
Bethlehem, PA 18017

RE: FCC Form 395 Section IV
2019 Filing Year

Charge: EEOC Charge – Title VII of Civil Rights Act – Age Discrimination

Charge #: 530-2017-03306

Lawsuit: Court of Common Pleas Of Northampton County, PA – Civil Division

No #: C-0048-CV-2017

Employee:

Filing Date: November 8, 2017

Background:

Employee was employed by RCN as a Director of Installation and was a tenured employee. The company discovered during financial audits of the T&E statements that employee has falsely submitted expenses for participation in PA 1 Call events in which the PA 1 Call had picked up travel and rooming expenses for the events, however the employee submitted false expense reports on a number of occasions to obtain reimbursement for expenses that they did not incur. As a result of the investigation and admission by the employee that they had submitted the expenses management made the decision to separate employee.

Status:

The Terminated employee filed charges with the EEOC and then obtained an attorney and they requested that the EEOC close the charge and issue a right to sue letter. Company received notification of that on 11/18/17. Ex - employee's attorney then reached out to the company to discuss the possibility of re-employment or payment for separation. The company did not which to re-instate the employee due to the nature of the separation, and were not interested in making payment to ex- employee for what it deemed a separation of employment due to violation of company business ethics and rules. The attorney filed a lawsuit in the Court of Common Pleas of Northampton County, PA – Civil Division. The company has obtained outside counsel and Preliminary Objections were filed, however at this time the case is on hold in the courts as the ex-employees attorney has been suspended for 5 years from practicing law in

the state of PA so the ex-employee we believe will be notified of the attorney's suspension so they can obtain a new attorney to continue with the action if they wish to . So at this time the case is still pending with the courts.



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RE: FCC Form 395 Section IV
2019 Filing Year

Charge: EEOC Charge of Discrimination – The Americans with Disability Act

Charge #: 530-2018-04818

Employee:

Filing Date: July, 18 2018

Background:

Employee was employed by RCN as a Direct Sales Representative from May 31, 2016 till June 7, 2018 when his employment was separated due to poor performance after performance write ups for not achieving his required Sales quota and performance metrics. The ex-employee in his charge with the EEOC stated that he had previously worked for RCN for two years previously and left employment and was rehired which was accurate. The ex-employee stated that he disclosed his disability of being overweight and was seeking accommodation to continue to work in his position even though he was unable to achieve his sales goals until he obtain gastric by-pass surgery which is not covered by the companies medical insurance plan and was denied coverage. The ex-employee at the time reached out to the company to appeal the medical coverage decision which was to be denied and company did not overturn denial of coverage. At the time employee continue to receive performance write ups for not achieving the necessary performance requirements in obtaining his required sales numbers and was eventually was separated in June 2018 for poor performance. The ex-employee upon termination then filed charges with the EEOC due to his belief he was discriminated against under the ADA

Status:

The EEOC began an investigation and the company provided it position statement to the charge of discrimination under the ADA and submitted the statement in November 2018 for their review and consideration. On May 6, 2019 the company was notified that the EEOC dismissed the charge and provided a Dismissal and Notice of Rights stating that based upon investigation the EEOC was unable to conclude that the information obtained establishes a violation of the statutes. They also stated that their dismissal does not certify that the respondent is in compliance with the statutes. No finding is made as to

any other issues that might be construed as having been raised by this charge. Additional that provided the ex-employee with their notice of suit rights. At this time the company is not aware of a suit.